

**Arizona Department of Health Services
Division of Behavioral Health Services
PROVIDER MANUAL**

**Section 5.4 Special Assistance for Persons Determined to have a
Serious Mental Illness**

- 5.4.1 Introduction**
- 5.4.2 References**
- 5.4.3 Scope**
- 5.4.4 Did you know...?**
- 5.4.5 Objectives**
- 5.4.6 Procedures**
- 5.4.6-A. Identification of the need for special assistance**
- 5.4.6-B. Notifying the Office of Human Rights**
- 5.4.6-C. No longer in need of special assistance**

5.4.1 Introduction

Persons determined to have a serious mental illness may be in need of special assistance to participate in activities associated with receiving behavioral health services. Special assistance can help a person when developing an individual service and treatment plan, filing a grievance or appeal or requesting an investigation concerning a potential rights violation. A clinician, a case manager, a clinical team or the Tribal or Regional Behavioral Health Authority (T/RBHA) may identify a person's need for special assistance. The following are some examples of circumstances that may necessitate the provision of special assistance:

- A person who needs 24-hour supervision;
- A person who has difficulty communicating needs and does not have a court appointed fiduciary; or
- A person with physical disabilities or language limitations that impact the person's ability to make or communicate decisions or to participate in meetings.

The T/RBHAs, behavioral health providers and the human rights advocates within the Office of Human Rights provide special assistance. The Office of Human Rights provides each human rights committee with a list of all persons who need special assistance within the jurisdiction of the respective human rights committee. Each human rights committee is then responsible for providing independent oversight of the provision of special assistance. This section outlines expectations for behavioral health providers to periodically assess a person's need for special assistance and to appropriately refer a person to the Office of Human Rights when a need for special assistance is identified.

5.4.2 References

The following citations can serve as additional resources for this content area:

- [ADHS/T/RBHA Contract](#)
- [9 A.A.C. 21](#)
- [SMI Eligibility Determination Section](#)
- [Intake, Assessment and Service Planning Section](#)

5.4.3 Scope

To whom does this apply?

Arizona Department of Health Services

Division of Behavioral Health Services

PROVIDER MANUAL

All persons determined to have a Serious Mental Illness who potentially may be in need of special assistance.

5.4.4 Did you know...?

- A person determined to have a serious mental illness who has a legal guardian or other designated representative can still qualify for the provision of special assistance.
- Human rights advocates advocate on behalf of persons with a serious mental illness and assist such persons in understanding and protecting their rights and obtaining needed services.
- Human rights committees exist in each region of the state. Their role is to provide independent oversight to make sure that the rights of persons receiving behavioral health services are protected and to oversee the provision of services to clients identified as needing special assistance.
- Advocates within the Office of Human Rights may provide or arrange for the provision of special assistance to a person when a request for assistance is initiated by the person, another involved representative or a provider agency. To contact the Office of Human Rights call (602) 364-4574 or 1-800-421-2124.

5.4.5 Objectives

The intent of this standard is to identify the need for special assistance for persons who have been determined to have a serious mental illness and to refer such persons to the T/RBHA, Office of Human Rights and appropriate human rights committee.

5.4.6 Procedures

5.4.6-A. Identification of the need for special assistance

Behavioral health providers must periodically assess a person diagnosed with a serious mental illness's need for special assistance (see [Section 3.9, Intake, Assessment and Service Planning](#) for more information regarding the identification of special assistance as part of the person's initial and ongoing assessments). Behavioral health providers must also consider a person's need for special assistance during the following situations involving a person diagnosed with a serious mental illness:

- Intake and assessment;
- Treatment and service plan development;
- Filing and processing grievances and appeals; and
- A formal investigation concerning the person.

A person is determined to need special assistance if he/she is:

- Unable or unwilling to communicate preferences for services; and/or
- Unable or unwilling to participate in service planning; and/or
- Unable or unwilling to participate in a grievance, appeal or an investigation process.

The person's limitations must be due to:

Arizona Department of Health Services

Division of Behavioral Health Services

PROVIDER MANUAL

- Cognitive ability;
- Intellectual capacity;
- Sensory impairment (the need to use American Sign Language, Braille or lip reading);
- Language barriers (the need of a person who is learning disabled to receive information compatible with their comprehension level); or
- Medical condition.

5.4.6-B. Notifying the Office of Human Rights

After a behavioral health provider identifies a person in need of special assistance, the provider must notify and report the information to the contracted T/RBHA using the [Request for Special Assistance Form \(Form 5.4.1\)](#). The Request for Special Assistance Form must be maintained in the person's comprehensive clinical record.

5.4.6-C. No longer in need of Special Assistance

When a clinician, case manager or the clinical team determines that a person no longer needs special assistance, the T/RBHA or behavioral health provider must notify the person and the Office of Human Rights within 10 days of the determination. The notification must include the reasons for determining that the person is no longer in need of special assistance.